

\*\*E-filed 6/27/06\*\*

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

IN RE MERCURY INTERACTIVE CORP.  
SECURITIES LITIGATION;

This Document Relates To:  
  
ALL ACTIONS

LEAD CASE NO. 05-3395 JF (PVT)

**STIPULATION AND [PROPOSED]  
ORDER TO CONTINUE CASE  
MANAGEMENT CONFERENCE**

DATE: July 7, 2006  
TIME: 10:30 a.m.  
COURTROOM: 3, 5th Floor  
JUDGE: Honorable Jeremy Fogel

IN RE MERCURY INTERACTIVE CORP.  
DERIVATIVE LITIGATION;

This Document Relates To:  
  
ALL ACTIONS

LEAD CASE NO. 05-04642 JF (PVT)

TERRY KLEIN,

Plaintiff,

v.

AMNON LANDAN, et al.

Defendants.

CASE NO. 06-2971 JF (PVT)

1 WHEREAS, there are three related actions currently pending before this Court: *In re*  
2 *Mercury Interactive Corporation Securities Litigation*, Lead Case No. 05-3395 (the “Class  
3 Action”), *In re Mercury Interactive Corporation Derivative Litigation*, Lead Case No. 05-4642  
4 (the “Derivative Action”), and *Klein v. Landan*, Case No. 06-2971 (the “Section 16(b) Action”);

5 WHEREAS, all three actions involve substantially the same parties and are currently  
6 scheduled for a Case Management Conference (“CMC”) on July 7, 2006;

7 WHEREAS, on June 6, 2006, the parties to the Section 16(b) Action stipulated to extend  
8 defendants’ time to respond to plaintiff’s complaint until July 21, 2006;

9 WHEREAS, on June 7, 2006 a stipulation and order was entered whereby the Class Action  
10 plaintiffs’ consolidated amended complaint is due to be filed sometime between August 7 and  
11 September 5, 2006;

12 WHEREAS, on June 13, 2006, a stipulation and order was entered by this Court staying all  
13 proceedings in the Derivative Action pending resolution of a substantially similar action pending  
14 in the Santa Clara County Superior Court;

15 WHEREAS, the parties agree that while it is in the best interest of judicial economy and  
16 the resources of the parties that the CMC for all three actions be held simultaneously, a CMC  
17 would be premature at this time given the above-described status of the three actions.  
18 Accordingly, the parties agree that the CMC should be continued until after a consolidated  
19 amended complaint has been filed in the Class Action.

20  
21 IT IS HEREBY STIPULATED AND AGREED BY AND AMONG THE  
22 UNDERSIGNED, ON BEHALF OF THEIR RESPECTIVE CLIENTS, AS FOLLOWS:

23 1. The CMC currently scheduled for July 7, 2006 in the Class Action, Derivative  
24 Action and Section 16(b) Action is hereby **CONTINUED** to September 8, 2006 at 10:30 a.m.

1 DATED: June 22, 2006

HELLER EHRMAN LLP

3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

/S/

SARA B. BRODY  
HOWARD CARO  
NICOLE ACTON JONES

333 Bush Street  
San Francisco, CA 94104  
Telephone: 415/772-6032  
Facsimile: 415/772-6268

HELLER EHRMAN LLP  
Norman J. Blears  
275 Middlefield Road  
Menlo Park, CA 94025-3506  
Telephone: 650/324-7000  
Facsimile: 650/324-0638

*Counsel for Defendants Mercury Interactive Corp.,  
Clyde Ostler, Brad Boston, Anthony Zingale, David  
Murphy and Yuval Scarlat*

DATED: June 21, 2006

SHEARMAN & STERLING

/S/

JEFFREY S. FACTER  
PATRICK D. ROBBINS

525 Market Street  
San Francisco, CA 94105  
Telephone: 415/616-1000  
Facsimile: 415/616-1199

*Counsel for Defendant Douglas P. Smith*

1 DATED: June 21, 2006

JONES DAY

2 /S/

3 JOHN CLINE  
4 KIRK DUBLIN  
5 ELISE MILSTEIN

6 555 California Street, 26th Floor  
7 San Francisco, CA  
8 Telephone: 415/875-5812  
9 Facsimile: 415/875-5700

10 WINSTON & STRAWN LLP  
11 Jonathan Cohen  
12 101 California St.  
13 San Francisco CA 94111  
14 Telephone: 415/591-1483  
15 Facsimile: 415/591-1400

16 SULLIVAN & WORCESTER LLP  
17 Franklin Velie  
18 Andrew Solomon  
19 1290 Avenue of the Americas  
20 New York, NY 10104  
21 Telephone: 212/660-3037  
22 Facsimile: 212/660-3001

*Counsel for Defendant Amnon Landan*

23 DATED: June 21, 2006

ORRICK, HERRINGTON & SUTCLIFFE LLP

24 /S/

25 JAMES KRAMER  
26 TODD SCOTT

27 The Orrick Building  
28 405 Howard Street  
San Francisco, California 94105  
Telephone: 415/773-5610  
Facsimile: 415/773-5759

*Counsel for Defendant Susan Skaer*

1 DATED: June 21, 2006

KEKER & VAN NEST LLP

2  
3  
4 /S/  
JAN NIELSEN LITTLE  
ASIM BHANSALI

5  
6 710 Sansome Street  
San Francisco, CA 94111  
7 Telephone: 415/391-5400  
8 Facsimile: 415/397-7188

9 PAUL WEISS  
Mark F. Pomerantz  
Eric S. Goldstein  
10 Roberto Finzi  
11 1285 Avenue of the Americas  
New York, NY 10019-6064  
12 Telephone: 212/373-3000  
13 Facsimile: 212/757-3990

14 *Counsel for Defendants Igal Kohavi, Giora Yaron  
and Yair Shamir*

15 DATED: June 21, 2006

LAW OFFICES OF TOPEL & GOODMAN APC

16  
17 /S/  
18 WILLIAM GOODMAN  
19 ANDREA DESHAZO

20 832 Sansome Street, Fourth Floor  
San Francisco, CA 94111  
21 Telephone: (415) 421-6140  
22 Facsimile: (415) 398-5030

23 *Counsel for Defendant Bryan LeBlanc*

1 DATED: June 22, 2006

FARELLA BRAUN + MARTEL LLP

2  
3 /S/  
4 DOUGLAS YOUNG  
JAMES MANN

5 Russ Building  
6 235 Montgomery Street, 17th Floor  
7 San Francisco, California 94104  
Telephone: 415/954-4400  
Facsimile: 415/954-4480

8 *Counsel for Defendant Sharlene Abrams*

9 DATED: June 22, 2006

WILSON SONSINI GOODRICH & ROSATI

10  
11 /S/  
12 JARED KOPEL

13 650 Page Mill Road  
14 Palo Alto, CA 94304-1050  
15 Telephone: 650/493-9033  
16 Facsimile: 650/493-6811

17 *Counsel for Defendant Kenneth Klein*

1 DATED: June 22, 2006

GLANCY BINKOW & GOLDBERG LLP

2  
3 /S/

4 PETER A. BINKOW

MARC L. GODINO

5 1801 Avenue of the Stars, Suite 311

6 Los Angeles, California 90067

7 Telephone: (310) 201-9150

Facsimile: (310) 201-9160

8 LABATON SUCHAROW & RUDOFF LLP

9 Joel H. Bernstein

10 Christopher J. Keller

11 Conor R. Crowley

12 100 Park Avenue

New York, New York 10017

13 Telephone: (212) 907-0700

14 Facsimile: (212) 818-0477

15 *Co-Lead Counsel for Plaintiff the Mercury Pension*  
16 *Fund Group and the Class*

17 LAW OFFICE OF PETER G. ANGELOS, P.C.

18 H. Russell Smouse

19 Glenn E. Mintzer

20 One Charles Center

21 100 N. Charles Street

Baltimore, Maryland 21201

22 Telephone: (800) 556-5522

23 Facsimile: (410) 649-2110

24 MILLER LAW FIRM PC

25 E. Powell Miller

26 Jayson Blake

27 950 West University Drive, Suite 300

28 Rochester, Michigan 48307

Telephone: (248) 841-2200

Facsimile: (248) 652-2852

VANOVERBEKE MICHAUD & TIMMONY, P.C.

Michael VanOverbeke

79 Alfred Street

Detroit, Michigan 48201

Telephone: (313) 578-1200

Facsimile: (313) 578-1201

*Counsel for the Mercury Pension Fund Group*

DATED: June 22, 2006

WOLF HALDENSTEIN ADLER

FREEMAN & HERZ LLP

/S/

RACHELE R. RICKERT

750 B Street, Suite 2770

San Diego, CA 92101

Telephone: 619/239-4599

Facsimile: 619/234-4599

*Chairman, Derivative Plaintiffs' Executive  
Committee*

WECHSLER HARWOOD LLP

Robert Harwood

488 Madison Avenue, 8th Floor

New York, NY 10022

Telephone: 212/935-7400

Facsimile: 212/753-3630

MILBERG WEISS BERSHAD & SHULMAN LLP

Jeffrey S. Westerman

355 S. Grand Avenue, Suite 4170

Los Angeles, CA 90071

Telephone: 213/617-1200

Facsimile: 213/617-1975

SCHIFFRIN & BARROWAY LLP

Eric Zagar

280 King of Prussia Road

Radnor, PA 19807

Telephone: 610/667-7706

Facsimile: 610/667-7056

*Derivative Plaintiffs' Executive Committee*



1 DATED: June 21, 2006

WHITEHEAD & PORTER LLP

2  
3 /S/  
STEPHEN L. PORTER

4 220 Montgomery Street, Suite 1850  
5 San Francisco, CA 94104  
6 Telephone: 415/781-6070  
Facsimile: 415/788-6521

7 *Local Counsel for Plaintiff Terry Klein*

8 BRAGAR WEXLER & EAGEL, P.C.  
9 Paul D. Wexler  
885 Third Avenue  
10 New York, NY 10022  
11 Telephone: 212/308-5858  
Facsimile: 212/486-0462

12 OSTRAGER CHONG FLAHERTY & BROITMAN  
13 Glenn F. Ostrager  
250 Park Avenue, Suite 825  
14 New York, NY 10177  
15 Telephone: 212/681-0600  
Facsimile: 212/681-0300

16 *Counsel for Plaintiff Terry Klein*

17  
18 I, Nicole Acton Jones, hereby attest that I have on file all holograph signatures for any  
19 signatures indicated by a "conformed" signature (/S/) within this e-filed document.

20 DATED: June 22, 2006

By: /S/

21 NICOLE ACTON JONES

22  
23 **IT IS SO ORDERED.**

24 DATED 6/22/06

25   
HONORABLE JEREMY FOGEL